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EARLY KARAITE CRITICS OF THE MISHNĀH

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I

NISSI B. NOAH

AMONG the Genizah fragments at the British Museum there is one consisting of six small parchment leaves covered with rather large Hebrew square writing. Many of the words are furnished with superlinear vowel signs. The contents are extracts from various sections of the Mishnāh in the following order:¹

Megillah I, 2.

Rosh ha-Shanah I, 5, 6; II, 8. 11.

Shabbat XVI, 6; XVIII, 1.

Hullin IV, 9.

Niddah III, 4; IV, 6.

To almost each paragraph comments of a disparaging nature are attached. These, as a rule, refer to ritual matters, but in one instance to the grammatical construction also.

The fragment is, of course, part of a larger work, and the loss of the bulk is all the more to be regretted, as these few specimens are probably the oldest MS. copy of Mishnāh texts extant. If this be so, the irony of history has so

¹ The original order of the leaves was disturbed by the bookbinder, who placed the last leaf in the front. The numbers of paragraphs correspond with those given in *The Mishnāh, on which the Palestinian Talmud rests*, ed. Lowe, 1883.

willed that the oldest bit of *Mishnāh* text² has been preserved through the exertions of a Karaite. Likewise noteworthy is the zeal shown by the annotator for grammatical exactitude. His brief note on this point, therefore, belongs to the oldest Jewish utterances on grammar. We shall see later on that this learned Karaite, apart from some knowledge of the *Mishnāh*, also had read the *Gemāra* to which he alluded by the name of *Halākōt*.³

As to the age of the fragment, the worn appearance of the parchment, the large characters, and the Babylonian vowel-points, all indicate an early date. To determine the approximate age of an undated manuscript is always a hazardous undertaking, but the suggestion just made is based not only on the appearance of the fragment, but on the comparison with other manuscripts all written on paper and bearing the dates 1004,⁴ 1019,⁵ and 1030.⁶ It is only necessary to place all four manuscripts side by side to perceive that our fragment is not only older, but very much older. Likewise indicative of the period of the fragment

² Four pages of *Mishnāh* text with superlinear text, likewise from the Cairo Genizah, were published by I. Markon in *Hakedem* I, 41 sqq. They are written in a Yemenite hand, and of much later date.

³ As to the use of the term *הַלְבָבוֹת* for Talmud, see L. Ginzberg, *Geonica*, vol. I, p. 118, rem. 1. See also Gittin, fol. 60 vo.

⁴ Or. 2554, see G. Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, I, p. 223.

⁵ Or. 2576, *ibid.*, II, p. 180.

⁶ Or. 5565 E, fol. 15, being the last and greatly damaged page of a work with the following colophon: *חַמְלָכָתָב וְאַלְחָמָר לְלַהְךָ רְבָבָלָמִין* *וְאָנוּ נְסָבָה בְּאַלְקָדָם עַמְרָה אֱלֹהָה פִּי דִי אַלְחָגָתָן מִן סָנָתָ אַחֲרִי וּשְׁרִין* ‘*וְאָרְבָּע וְכַתֵּב בְּלַפְּךָ בְּן עַלְעַן לְרָב מַנְצָרָן בְּן הַלְּלָן*’ *Finished is the writing, praise be to God the Lord of the worlds. The copy was made in Jerusalem, may God make it inhabited, in [the month of] Dulhijja of the year 421. Written by Khalaf b. ‘Olwān for Mausūr b. Hillel.’*

are the critical notes given not in Arabic, but in Hebrew, and Anan is the only authority mentioned.⁷

Several features of the fragment justify the suggestion that it is in the author's autograph. Passages which had been overlooked are inserted between the lines, and one passage is entirely missing. The number of lines on each page varies from eleven to fourteen. One word (fol. 39, vol. I) is faulty and uncorrected.⁸ The manner in which the words **שליש ראייה**⁹ are jotted down at the bottom of the same page and in the middle of a sentence show so much spontaneousness that they could only have been so inserted by the writer of the fragment. Traces of haste are visible on nearly every page. A copyist would have bestowed more care on the appearance of the pages both as regards accuracy and neatness, and it is most unlikely that he would have left his work unrevised.

Now as regards the person of the author no direct information can be gathered from the fragment itself. There are, however, several clues which deserve being followed up. The first is the mention of Anan which shows that the author must have lived later than the founder of Karaism. This, in connexion with the use of Hebrew throughout the fragment gives the *terminus a quo*, as it is an established fact that Karaite authors did not write in Arabic prior to the tenth century.¹⁰ As a later period is, for reasons given above, out of the question, there only remains the ninth century.

Through Pinsker we are in possession of the autobiography of the Karaite Nissi b. Noah, which he published

⁷ Fol. 36 vo.

⁸ **שׁהיזומם**, see the photograph.

⁹ *Ibid.*

¹⁰ See Steinschneider, *Die arabische Litteratur der Juden*, p. 74.

on the authority of Firkowitsch.¹¹ The latter places Nissi in the *eighth* century, and this date is adopted by Fürst. The impossibility of this period is obvious, as it would make Nissi a contemporary of Anan. The publication of this autobiography gave rise to a lively discussion. The late Dr. P. Frankl¹² endeavoured to show that Nissi not only lived much later than Fürst assumed, but that his autobiography is a forgery and largely based on chapters from Judah Hadassi's *אשכול הכופר*, which was written in 1148. Frankl took the trouble to print the related passages side by side in order to expose Nissi's plagiarism. Graetz, who takes the autobiography as genuine, ascribes to Nissi the year 840. The later editors of Graetz, both in the German and Hebrew editions, and notably Harkawy, trustfully follow Frankl, and deprive Nissi of the authorship of the autobiography. Now in the latter there occurs the following sentence:¹³ *The student (of my book)¹⁴ must first learn . . . the vowel signs and accents, defective and full spelling according to the Babylonians (לאנשי שנער) in order to understand the Mishnāh and the Talmud and Halākōt¹⁵ with the great and small additions.¹⁶* Nearly every word of this sentence is reflected in the fragment. It has Babylonian vowel-signs, it deals with the Mishnāh, alludes to the Talmud by the term of *Halākōt*,¹⁷ and all

¹¹ *Likk. Kadm.*, pp. 37 sqq.

¹² *הישיר*, VIII, pp. 29 sqq.

¹³ *Likk.*, p. 41.

¹⁴ ס' הפלם ביתן המשכילים והנבונים.

¹⁵ See below.

¹⁶ The 'great additions' evidently refer to the Tosephta. The author seems to have taken this word as a plural, viz. *תוספთא*. Saadya also, in his 'Refutation of Ibn Sākwaih' (*JQR.*, XVI, 100), uses the Hebrew form *אלתוספה*. With the 'smaller additions' the author probably means the Baraihas.

¹⁷ See below.

the comments are written in Hebrew. It is known that Nissi prides himself on having written in Hebrew. His reputation among Karaites is due not so much to his literary achievements,¹⁸ as to the fact, verified by historical evidence, that he declared it to be 'the duty of the sons of our people to study the Mishnāh and the Talmud'.¹⁹ Frankl cast ridicule on Nissi's statement that he had learnt Greek and Latin, but we can easily credit him with a smattering of these languages. He does not pose as a profound classical scholar. Apart from all this there is another factor to show that Nissi was not the plagiarist, but Hadassi, and it is really surprising that Frankl overlooked it. In his encyclopaedic work Hadassi gives a sketch of Hebrew grammar²⁰. The vowel system which he describes is unmistakably the Tiberian one, while he does not mention the superlinear system at all. As he wrote his book in Constantinople he was probably unacquainted with it. Nissi, however, who was reared in the latter system, naturally recommended its use. The special mention he makes of it even permits the conclusion that he rejected the Tiberian system, which he must have seen in use when, later on, he settled in Jerusalem. This much is certain, that if Hadassi is dependent on Nissi, there must have elapsed sufficient time between their lives to make the latter forgotten, and the discovery of the plagiarism

¹⁸ Al Hiti, who composed his 'Chronicle of Karaite Doctors' in the fifteenth century (see ed. Margoliouth, p. 3), does not mention Nissi at all, although he has much to say about Joseph b. Noah, who is supposed to have presided over a college in Jerusalem. His name is mentioned by Hadassi, *l.c.*, par. 169.

¹⁹ See **דָר מִרְדָכַי** (fol. 9 vo.) on the authority of Aaron b. Joseph in the introduction to his **ס' המבחר** (fol. 9).

²⁰ Par. 163.

difficult. Hadassi even dared to appropriate one of the titles of Nissi's book.²¹ Our fragment and the above quoted passages from his autobiography resemble one another so strongly that no serious objection can be raised against the suggestion that they are to be ascribed to the same person. The conclusion at which I arrive is therefore the following: Although Firkowitsch's assertion as to the period during which Nissi lived is unreliable, the authenticity of the autobiography need not be doubted. Frankl's theory is untenable and misled all his followers, including Harkawy, but all the circumstances confirm the date originally suggested by Graetz, viz. about 840. Incidentally we learn that the specimens of superlinear vocalization appearing in the fragment are older than the famous codex of the Later Prophets²² by about seventy years.

On the basis of the foregoing remarks I venture the suggestion that our fragment is not only the work of Nissi, but actually written by his own hand.

In his selections from the *Mishnāh* the author chose such as, he thought, would bring out the perversity of the Rabbis as clearly as possible. Unfortunately his notes have suffered much by age, and many words are either defective or completely obliterated. This is largely the case with the annotations on the regulations connected with the public reading of the Book of Esther. It is towards the end of this paragraph where the quotation from the *Halākōt* (Talmud, *Megillah* fol. 12 verso) occurs: 'If a person read the *Megillah* written amidst other books (of the Hagiographa), he has not fulfilled the duty of

²¹ בְּנֵי 'ד.

²² *Prophetarum posteriorum codex Babylonicus Petropolitanus*, ed. H. Strack, fol. 1816.

public reading'. The concluding passage is unintelligible, because several words are missing in the middle.

To the extracts from *Rosh ha-Shanah*, ch. ii, the words are added: 'All these are alterations, *those that defile it shall surely be put to death* (Exod. 31. 14) and also *which ye shall proclaim in their seasons* (Lev. 23. 8)'. The paragraph dealing with the proclamation of the new moon concludes with the following note: 'We know that they count²³ the new moons by calculation (with the help) of the "shiftings"'. This, of course, refers to the Rabbinic rule of בְּרִ"ז, viz. that the first day of Passover must not fall on a Monday, Wednesday, or Friday.

At the end of the paragraph dealing with the blowing of the Shophar the author found an opportunity of showing his superior knowledge of grammar. Supplementing the abrupt marginal note mentioned above, he says: 'שְׁלִוְשָׁה פְּעִמִּים is not in accordance with what those learned in the Tōrah know: The correct word is שְׁלִשָּׁה, as is written Exod. 23. 14'.²⁴ This remark has a peculiar interest of its own. The mistake he corrects is not due to the copyist of the MS. used by the author, but seems to have existed in his archetype—as well as in the other MSS. It is found not only in the codex of the Mishnāh preserved in the University Library at Cambridge,²⁵ but also in the MS. of the British Museum Or. 2219 (containing Maimonides' commentary), fol. 15 verso. In the Talmud MS. of the British Museum, Harley 5508 (fol. 18 verso), we

²³ Fol. 39 vo, l. 1; see facsimile. The fragment has שְׁחִיוּמִים. The author uses the term מְרוּחִים probably with a side-glance to Lam. 2. 14.

²⁴ The Bible has here וּרְנִילִים, but the author evidently quoted from memory.

²⁵ Ed. Lowe, Cambridge, 1883.

find שָׁלֵשׁ, but a small הּ is written above the last letter. The copyist of the last mentioned MS. seems to have been aware of the mistake, but evidently shrank from omitting anything he found in his original. Incidentally this is a striking proof of the faithfulness displayed by copyists, and should serve as a warning against hasty surmises that ancient texts were tampered with freely. Our Karaite author, not satisfied with the correction of the mistake, gives the rule for the gender of Hebrew numerals, albeit incompletely, illustrating it by various examples.

The regulations of the Mishnāh Niddāh 3. 5; 4. 6 are supplemented by what looks like a quotation **בְּגִנְשִׁים בְּכָל זֶבַח**. Such a sentence, of course, does not exist in the Mishnāh or in any of the ancient sources. The author probably intended to say **נדות** for **נְשָׂמֶת**, and utterances of this kind occur indeed among early Responsa.²⁶ Without insinuating baser motives to the author, we cannot absolve him from the charge of carelessness. It may have pleased his Karaite zeal to pounce upon an alleged Rabbanite utterance open to severe criticism. Instead of examining his source he simply remarks: 'God did not command this, He is far above wickedness and injustice.'

The fragment concludes as follows: 'Since we have seen that the firmament was created on the second day, the lights on the fourth, and Adam and Eve on the sixth, and that the first Passover, when God led His people from Egypt, was on the night of the sixth, which is (based upon)

²⁶ See כל נדה ספק זביה היא, Mantua, 1597, fol. 25 vo.; שׂוֹת מהגאנונים (my attention was drawn to these passages by Dr. A. Marmorstein). Anan (Harkavy, *Studien und Mittheilungen*, VIII, p. 41) says ולא שאני בין נדה לובה אלא שבעת ימי ספרה.

וְכֵן (it results) that וְכֵן is alluded to for the purposes of celebrating Passover on any of these days. This is what Anan says in agreement with them (the Rabbanites), viz. not Passover on the seventh (day), nor Sukkoth on the first, Passover is not debarred (?) from (being celebrated) on the seventh (day), nor Sukkoth from the first. As for the seventh and the first (days) there exist allusions to the celebration of Passover and Sukkoth on them, because light was created on the first day, and also on account of the glory of the seventh day, the great and holy Sabbath.'

The relics of Anan's Book of Commandments extant do not contain the passage quoted by our author. As it is given not in the Aramaic original, but in Hebrew translation, we do not know if all or how much is intended to be quoted. Apart from this the meaning of the few words saved is not clear, because we should expect 'the sixth' instead of the 'seventh'. The fault probably lies with Nissi, who seems to have mixed up the rule of וְכֵן with that of וְלֹא.

II

JOSEPH AL-BASĪR

From the preceding specimens we see that Nissi's criticism betrays neither great powers of judgement nor accuracy of detail. There is a conspicuous lack of detail in his remarks. No attempt is made to appreciate the genesis and development of the rabbinic tradition, or to disprove its *raison d'être*. His bickerings neither refute nor instruct, yet he showed his brethren the way to combat their opponents by attacking them on their own ground, and they were not slow to follow his example.

'Strife', taught the Grecian philosopher Heraklitos, 'is the father of things'. Well might we apply this doctrine to the struggle between the Rabbanites and Karaites; for it was fruitful in every respect. It produced valiant fighters and an important literature. The only misfortune is that this literature is so scrappy, and thus prevents us from visualising this enormous spiritual movement in its fulness. It is no paradox to say that we owe the life work of Saadya to the Karaites. All his writings, without exception, served the one purpose of defeating the Karaites. About twenty years ago a scholar, speaking of the lost polemical writings of Saadya and his opponents, expressed satisfaction that only 'a few fragments of this class of literature' had been saved.²⁷ Since then, many more dealing with both sides of the question have been unearthed. Saadya's polemical writings are not mere recriminations, but scientific treatises of great value, and also the attacks of his critics are important from the theological, historical, linguistic, and generally literary points of view. Every scrap, particularly if produced by one of the older generation of Karaite authors, is worthy of careful study.

The importance of new fragments found can best be measured, if we consider how scant is our knowledge of the literary life of Eastern Jews during the ninth and the earlier half of the tenth centuries. Almost complete silence reigns in the generation after Nissi, but it is scarcely probable that nothing was written on the great question of the day. Of David Almokammaş, who must have lived during this period, we do not know whether he was a Karaite or not, although he is claimed by later Karaite

²⁷ M. Friedländer in *JQR.*, V, p. 197.

authors as one of their brotherhood.²⁸ We only know that he wrote a polemical treatise against Christianity, and, according to Ḳirkisāni, composed a commentary on Genesis.²⁹ An attack by him on the Rabbinic code is not known. We are equally in the dark as to the attacks on the Mishnāh by Ibn Sākweih, another contemporary of Saadya, and would probably know very little about him were it not for the rejoinder of the latter.³⁰

Among Saadya's writings there is one with a certain title (probably mutilated)³¹ dealing with Rabbinic tradition. The correct reading of the title I believe to have found quoted by himself in his commentary on Exodus, viz. *Refutation of speculation with reference to the traditional law*.³² The existence of some such treatise is vouchsafed by his own allusion to it.³³ It would have been inconceivable that he should have written a number of pamphlets on legal side issues, whilst omitting the main axiom of Karaite teachings, viz. the speculative method (*kīyās*). The work was apparently lost, but it is worth trying to see if no trace of it can be found anywhere.

There exists an Arabic fragment in the British Museum containing the bulk of chapters 14 and 15 of a treatise in defence of *kīyās*. This fragment has been briefly dealt with by Dr. Poznański,³⁴ who ascribes it to Ḳirkisāni,

²⁸ Al Hiti, *l. c.*, p. 5; cp. Harkavy, *Abu Yusuf Ya'kub al Kirkisani*, St. Petersburg, 1894 (Russian), p. 306.

²⁹ See my *Qirqisāni Studies* (not yet published), p. 9.

³⁰ See my article in *JQR.*, XVI, pp. 105 sqq., and Poznański, *The Karaite Literary Opponents of Saadyah Gaon*, London, 1908, pp. 4 sqq.

³¹ קיאם עלי אל-שראי'ע אל-סמעיה, Steinschneider, *l. c.*, p. 50.

³² אבן אל-קיאם פי אל-שראי'ע אל-סמעיה, *JQR.*, XVIII, p. 600.

³³ *Ibid.*

³⁴ *Festschrift zum achtzigsten Geburtstage Moritz Steinschneiders*, p. 210.

against the testimony of Moses Bashyāzi. Of this, however, later on. The first of these two chapters consists in the main of quotations from a work of an opponent who, as may be seen from chapter 15, is no other than Saadya. The object of the author of the fragment is to refute Saadya's attack against *kiyās*. A special feature of the fragment is that it is written in the Arabic language and script, almost devoid of diacritical points, and that even the Hebrew passages occurring therein are so written. This is a peculiarity which deserves some attention. We have seen that in the tenth century Karaite authors exchanged the Hebrew language for Arabic, but used Hebrew square characters for both. This is the case with David b. Almoğammaş, Salmon b. Jeroḥam, Kırķisāni, and largely with Jepheth. With the last named a change was effected, and we suddenly find a great number of Karaite MSS. in which both the Arabic text and the Hebrew quotations are written in Arabic characters. The oldest MS. so written is, as far as I was able to ascertain, Jepheth's Commentary on Ruth, dated 1004. Some Karaite copyists went even further and left a large number of fragments in Arabic writing of Hebrew texts from various books of the Bible without a single Arabic word.³⁵ This practice went on for about three centuries. What may have been the reason? The rules of Arab orthography are not appropriate for Hebrew on account of the larger number of vowels in the latter language. The copyists found a way out of the difficulty by adding the Hebrew vowel-signs

³⁵ See Hoerning, *Description and Collation of Six Karaite Manuscripts*, London, 1889. The author's opinion that they date from the tenth century, also adopted in Margoliouth's *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, cannot be maintained.

according to the Tiberian system. At any rate I did not find a single instance of Arabic writing with the superlinear system. I thus arrive at the following conclusions. *First*, Arab writing for Hebrew was practised in Palestine only, and not before the eleventh century. We can take it that from the very outset Jews in Arab-speaking countries wrote Arabic in Hebrew characters even before the ordinary Arabic alphabet had been developed. As for Arab writing, Jews had to *learn* it from Mohammedans, but as their whole literature was of a religious character, they had no reason to use any other than Hebrew writing. There were probably only few who desired to study works on Mohammedan theology or on secular subjects, and those who mastered the Arab alphabet were the exception rather than the rule. In Palestine the art of reading and writing Arabic was probably practised very little. *Secondly*, the use of Arabic writing by Karaites is an unmistakable sign of defeat. Their cause was so much damaged by Saadya's slashing attacks that they retired into their own confines. As they could scarcely hope to make converts, they put out all their strength to prevent the loss of adherents and considered the use of Arab script for Arabic *and* Hebrew as the best means to achieve this end.

Before dealing with the probable author of the work of which the fragment forms a part, it is necessary to take note of its contents. The beginning is, unfortunately, missing. The following is the translation of ch. 14.

‘He (Saadya) said : I must mention how these matters were handed down by Moses. They were witnessed by the people in their various aspects just as they were put into practice by Moses. He was told to write the Tōrāh in the fortieth year in the following manner. God said to

Moses, Write *b'rēshith bārā elōhīm*, dictating word for word, and he wrote from *berēshith* to *w'shama lō ta'bōr*. This contains the brief account of the happenings of 2,488 years. We believe this account of the writing of the Tōrah to be true, and whoever reads it will find in it satisfactory evidence for the statements and laws which it was meant to contain. From the first year onward Moses taught the people the whole law and statute which God commanded him, for which purpose he appointed "chiefs of thousands, chiefs of hundreds", &c. in order to expound all that he had imparted to them. He would not, e.g. have commanded them to eat unleavened bread without explaining from which kind of grain it was to be taken, nor eschewing uncleanliness without expounding the rules concerning persons suffering from running issue, &c. From this it necessarily follows that tradition preceded the writing of the law by forty years. When the Israelites were gathered in the holy land, the King and the High Priest watched and guarded these records, especially during the existence of prophecy. When we went into the first exile and the prophets were removed, the learned feared that traditional knowledge might be forgotten. They therefore collected the sources and codified them. This they called Mishnāh. It was kept in its various divisions in the expectation that they would be retained by means of fixing the sources. And so it happened. These divisions were kept in memory till the second exile. We, then, digested them in a more detailed manner than in the first instance in solicitude for the disciples. They, in their turn, left them unfixed, so that they might be further investigated. This system they styled Talmud. Now if some one asks: How can statements contained in the Mishnāh and the Talmud be

traced back to individual authors? We answer that those who handed them down were a number of people. When they had recorded them, they substantiated them showing that they had not invented them. An instance of this kind in Num. 31. 23, which is ascribed to El'azar, who conveyed the command (to the people) but did not contrive it. Another question is, how is it that a difference arose in the Mishnāh or the Talmud between two traditionists? The reply is that no difference exists as regards the point at issue, but it is like a difference in the initial stages of some matter as it appears to a person who hears it. Here three classes must be distinguished. *First*, One doctor grasped the subject more clearly than another, and differed from him, and taught it according to his conception. Thus Moses corrected Aaron and his sons when they burned the he-goat (Lev. 10. 10) till they unloaded their minds to him, because he was not sure that they had done so unwittingly. *Secondly*, It occurred that two things were handed down in the name of Moses, one being lawful, the other unlawful. Some doctors treated on the lawful one first, whilst the other matter should have been taught first. Both pronouncements were equally correct, the matter being lawful from one point of view, but unlawful from another, e.g. Deut. 20. 19; Lev. 22. 12-13. There is no difference between these two principles which must be brought into harmony one with the other. *Thirdly*, one doctor only heard one part of a subject, but believed that he had learnt the whole of it, whilst the other had it complete. Now, when the former taught his view, the other rejoined: we have learnt the whole of the subject and it contains something which renders your version more distinct. If any one read the law of *sha'tnēz* (Lev. 19. 19)

he might explain it in a general way, but when he reads through the whole Tōrah and comes to Deut. 22. 11, he will see wool and linen especially mentioned. There are other instances of the same kind. Know that those who reject this doctrine, whenever they are confronted with rabbinical laws of which the details are not to be found in Holy Writ, say that Moses left them in this condition because he meant us to develop them by means of speculation. I re-echo *this attack on speculation* in order to disclose its mischievousness. He then continues: Some Karaites regard the rejection of tradition by part of the people as the refutation of it. If this be so, say they, then the prohibition to commit it to writing³⁶ would be tantamount to rejecting it likewise. Some even, says he, consider the difference of opinion in matters of oral tradition as rejection, but in this case any variation in an oral text which has been committed to writing would be an attack on it.'

Thus far Saadya. The bulk of the author's rejoinder deals with that portion of Saadya's treatise which is missing. The main points of the reply are, in abridged translation, the following: The author of the fragment begins his refutation by stating that the harmfulness of Saadya's assertions is quite obvious. Saadya asserts, he says, that Moses never made a command look like a prohibition, supporting this by Deut. 30. 11 and Prov. 8. 9. This, however, is also Karaite doctrine, and confirms the *kīyās*. Saadya must surely mean that careful and impartial examination accompanied by the speculative method clearly reveals the meaning of any law. Saadya has set up seven rules³⁷ which compel us to resort to

³⁶ Gittin 60 b.

³⁷ See Geiger, *Wissenschaftliche Zeitschrift, &c.*, V, p. 313, in the name of

rabbinic tradition. As regards *Şiṣit*, *Sukkāh*, and similar laws, rabbinic teaching differs from the Bible. In Ezra (3. 4) it is stated that the people celebrated the feast of Tabernacles as commanded in the Tōrāh. Rabbanites violate the law of *Şiṣit* by confessing to be ignorant of the nature of *Tekelet*. *Şiṣit*, consequently, should be relinquished entirely at the present time, just as they allowed the rules of purification to lapse in consequence of the want of 'the water of separation'. This also applies to *Terūmāh*. Although we do not know how to deal with it in our time, we need not do so, since the priest to whom we would have to pay it is an unknown person. If we have to search for evidence, it would result in *kīyās*, as is the case with many other laws not explained in the Tōrāh. On the other hand the prohibition laid on the king not to increase the number of his wives, or his horses, or his wealth, are supplemented by explanations. Saadya further states that the law of *Sabbath* cannot be carried out without rabbinic tradition. With regard to his opinion on work on Sabbath *he ought to be ashamed* of mentioning it. Rabbanites permit certain work on Sabbath, but actual facts and reason show that they violate it. They permit the sewing of one stitch and the writing of one or even two letters. Sabbath may be violated for children but not for David, king of Israel.³⁸ They also permit borrowing articles of food³⁹ from a friend. Saadya's allusion to *vessels* subject

Salmon b. Jerōham. These points are : 1. *Şiṣith*, *Lulab*, *Sukkāh* ; 2. *Terūmāh* ; 3. Sabbath ; 4. Unclean vessels ; 5. Prayers ; 6. Calendar ; 7. Messiah. All these points are *seriatim* discussed in the fragment. See also Poznański, *l. c.*, p. 210, rem. 2.

³⁸ *Shabbat*, 151 b.

³⁹ *שׁוֹאָם אֶת חַבְרוֹן*, Mishnāh *Shabbat*, XXXIII, 1; see also Nissi's extracts from the Mishnāh.

to uncleanness the author refutes by alluding to the legend in the Talmud⁴⁰ concerning the differences of opinion between R. Eliezer b. Hyrcanus and the miracles which happened in support of the former. This is a *disgrace to Rabbanites*. Both Ananites and Karaites hold very strong opinions on the matter, and explain the rules of the uncleanness of vessels. As regards *prayers*, the Bible lays down our duty in various places, especially Dan. 6. 11, viz. three times every day, but the Rabbanites abolished part of it. Saadya's remarks on the *calendar* as in force from the time of the second Temple to our own time is quite useless, since no damage would accrue if we knew nothing about it. His further observations on the arrival of the Messiah, which, being based on rabbinical tradition, may be referred to the time of the kings, is a mere assertion, because this matter is so clear that no doubt exists about it. But it may be objected: Why do Christians and some Jews assert that the arrival of the Messiah has taken place already? This Christian doctrine is like the other of the Trinity and the abrogation of the Tōrāh. Abu Isā Al Ispahāni claimed to be a prophet, and Yudghān styled himself the Messiah—but with these matters the author promises to deal on another occasion, not on the basis of tradition but with the assistance of clear proofs taken from the Bible. The assurances given in the Bible which are to be fulfilled in the days of the Messiah are independent of any given years. Saadya's statement that the Tōrāh was written in the fortieth year, and that, when the Israelites were in the holy land, the king and the people guarded it carefully, especially during the period of the prophets, is exactly the same as we Karaites maintain. His further

⁴⁰ Bab. Mes. 59 b.

remarks about the development of the Mishnāh and Talmud have been disproved in the *twelfth* chapter of the present book. He further maintains that laws promulgated by one person, such as that attributed to El'azar—which was, however, only connected with his name, but not contrived by him—have ceased to have any force. This shows that tradition has fallen to the ground. For the difference between various authorities of the Mishnāh and Talmud Saadya gives three reasons—but here the fragment is interrupted.

Our next task is to search for the possible author of the fragment. In the solution of this question we are assisted by the Karaite author Moses Bashyāzi, who lived in the sixteenth century, and who in his work actually quotes a passage from our fragment, ascribing the work to Joseph Al Başır, who flourished in the beginning of the eleventh century. One of his works is a *Book of Commandments* (*Kitāb al-istibṣār*).⁴¹ Now Dr. Poznański, to whom we owe the extract from Moses Bashyāzi's book, is of opinion that the latter mixed up Joseph Al Başır with Kirķisāni, whom he considers to be the author of our fragment. He supports this theory by a second quotation from Moses Bashyāzi, which is really to be found in Kirķisāni's *Book of Lights*. The authorship of the latter quotation is, however, doubtful for the following reasons. Many of the items mentioned in the rejoinder to Saadya's attack are already contained in the *first* section⁴² of Kirķisāni's work, which is now known through Harkavy's

⁴¹ For a fragment of this work (in Arabic characters throughout) see Cod. Brit. Mus. Or. 2576.

⁴² Writing one or two letters, Harkavy, *l. c.*, p. 288; sewing, p. 288; carrying spittle, *ibid.*; cooking, p. 289; unclean vessels, *ibid.*

edition. The author of our fragment refers the reader several times to more extensive discussion of points later on, but why should he not refer to expositions given in the earlier part of the work? To this we may add the following: The author of our fragment states that Yudghān styled himself Messiah, whilst K̄irkisāni says, at least in two places,⁴³ that it was his disciples and adherents who gave him this title. Dr. Poznański lays stress on the quotation of the talmudical legend of miracles performed for the sake of Eliezer b. Hyrcanus, but there is no reason to assume that this was not also known to Joseph al-Baṣir. It is even probable that the latter copied it from K̄irkisāni, just as he borrowed the second quotation mentioned above, which is not only very short, but of so general a character that several Karaite authors may have used it. Their stock of arguments was so small that one repeated what another had said before him, and even without much fear of discovery, as each author only had a small circle of readers.

There is yet another proof against K̄irkisāni's authorship of the fragment, viz. the tone of the discussion. He never indulges in abuse, and Saadya in particular is alluded to with marks of respect. Remarks that Saadya 'ought to have been ashamed of it', and 'This is disgrace to Rabbanites', do not agree with K̄irkisāni's style, but rather with a contemporary of Jepheth, who is frequently guilty of abusive expressions. If Dr. Poznański places reliance in Moses Bashyāzi in one instance, why not also in another?

Some additional light is thrown on Joseph al-Baṣir's treatise by his famous contemporary Jepheth b. Ali. He, too, chafed under Saadya's denunciation of the *kīyās*. Without writing a special pamphlet in its defence, he

⁴³ Harkavy, *l. c.*, p. 284, and my *Arabic Chrestomathy*, p. 121.

inserted a refutation of Saadya's criticism in his commentary on Exodus (21. 3-4),⁴⁴ stating that he could only deal with the matter briefly, because 'this is a commentary'. He, too, quotes salient passages from Saadya's treatise, but he does so in his usual abusive manner. He divides Saadya's arguments into two classes, idle assertions and falsehoods. As little is to be gained from repeating his arguments in full, I refrained from reproducing them. They help us, however, to understand why this treatise of Saadya, as well as most of his polemical writings, are entirely or partially lost. More than ever am I convinced that they were destroyed by Karaites, who only preserved so much of them as they thought they could refute. In this way we owe to these two men the preservation of a few relics of an important work by the powerful opponent of Karaism.

I

Brit. Mus. Or. 5558 B. 13 x 11 cm.

(1) Megillāh I, 2.

בַּיּוֹם וּמוֹקְפּוֹת חָוָמָה לְמַחַר
 חָלֶל לְהִיּוֹת בְּחַמִּישִׁי כְּפָרִים וְעִירּוֹת
 גְּדָלוֹת קָרְעִין בּוֹ בַּיּוֹם וּמוֹקְפּוֹת חָוָמָה
 לְמַחַר חָלֶל לְהִיּוֹת עֶרֶב הַשְׁבָּת
 כְּפָרִים מִקְדִּימִין לִיּוֹם הַכְּנִיסָה וְעִירּוֹת
 גְּדָלוֹת וּמוֹקְפּוֹת חָוָמָה קָרְעִין בּוֹ בַּיּוֹם
 חָלֶל לְהִיּוֹת בְּשַׁבָּת כְּפָרִים וְעַרְבָּת [וְתִּ]
 גְּדָלוֹת מִקְדִּימִין לִיּוֹם הַכְּנִיסָה וּמוֹקְפּוֹם (so)
 חָוָמָה לְמַחַר חָלֶל לְהִיּוֹת לְאַחֲרֵי הַשְׁבָּת [וְתִּ]
 כְּפָרִים מִקְדִּימִין לִיּוֹם הַכְּנִיסָה וְעַרְבָּת [וְתִּ]

Fol. 37 ro.

⁴⁴ Cod. Brit. Mus. Or. 2468, fol. 6 sqq.

נדלות קורין בו ביום ומקופות חומה למח[ר]
ה ואינו היא עיר נדליה כל שיש

Fol. 37 vo.

בְּעֶשֶׂרֶת בְּטַלְנִין פְּחוֹת מִכֵּן חָרֵי וּה
כְּפֶר בְּאֶלְוּ אָמְרוּ מִקְדִּמְיוֹן וְלֹא מַאֲחֶרֶן
אָבֵל זָמֵן עַזִּי הַכְהִנִּים וְתַשְׁעָה בְּאֵבָר וְחַנִּינָה
וְהַקְלָל מַאֲחֶרֶן וְלֹא מִקְדִּמְיוֹן אָפַר עַל פִי
שָׁאָמְרוּ מִקְדִּמְיוֹן וְלֹא מַאֲחֶרֶן מִותְרִין
בְּסֶפֶר וּבְתַעֲנִית וּבְמִתְנָה לְאַבְיוֹנוֹן
אָמַר רַב יְהוָה אִמְתִּי מָקוֹם שְׁנַכְבָּסִין [בְּשַׁנִּי וּבְחַמִּישִׁי אָבֵל מָקוֹם שְׁאַיִן מִכְנִיסִין]

לֹא בְשַׁנִּי וְלֹא בְחַמִּישִׁי אָין קָוָרָאֵין אָוֹתָה
בְּאֶדֶר הַשְׁנִי וְאַיִן בֵין אֶדֶר הַרְאָשׁוֹן לְאֶדֶר
הַשְׁנִי אַיִלָא קְרִיאַת הַמְגַלָּה וּמִתְנָה
לְאַבְיוֹנוֹם וּבְהַלְבּוֹת אָוֹם' הָקְרָא בְּמְגַלָּה
הַכְתּוֹבָה בֵין הַכְתּוֹבִים לֹא יֵצֵא יְדֵי חֻבְתוֹ
וּדְרוֹקָא בְּצָבּוֹר וּמִתְהַנֵּה נְבַטְלָו לֹא דָבָר
פּוֹרִים וּכְלָלָו וְ(?)אָ נָאָמְרָם

(2) Rosh ha-Sh. I, 5.

Fol. 38 ro.

בָּסֶדר רַאשׁ הַשָּׁנָה
וּזְהַ שָׁאָמְרוּ עַל שְׁנִי חֶדְשִׁים מְחַלְלִין אֶת הַשְּׁבָת
עַל נִיסְן וְעַל תְּשִׁירִי שְׁבָהָם שְׁלֹחָן יֵצֵא
לְסֹורְהָ וּבָהָם מַתְקִנִּין אֶת המועדרות וכְּשָׁהִיה
בֵית הַמִּקְדָּשׁ קִים מְחַלְלִין אָפַר עַל כָּלָם מִפְנֵי
תְּקֻנַּת הַקְרָבָן בֵין שְׁנָרָאָה בָּעֵלְלִיל וּבֵין
שְׁלָא נָרָאָה בָּעֵלְלִיל מְחַלְלִין עַל יְוִי אֶת הַשְּׁבָת
רַבִּי יְוִסִּי אָוֹם אָסְנָרָאָה בָּעֵלְלִיל אַיִן מְחַלְלִין
עַל יְוִי אֶת הַשְּׁבָת מַי שְׁרָאָה אֶת הַחֶדְשָׁה
וְאַיְנוּ יְכוֹל לְהַלֵּךְ מַולְכִּין אָתוּ עַל הַחֶמְרוֹר
וְאַפְּיָלוּ בְּמַמְתָּה וְאַם צָרָה (so) לְהַמְּלֹகָה אָתוּ [מַקְלָות]

אם היה דרכ רחוכה לקחין ב[הן] מז .
 שעל מהלך לילה ויום מחולל[ן]
 עליו את השבת
 יוצאי לערות החדש שנ אלה מועדי

Fol. 38 vo.

Rosh ha-Sh. II, 8.

יהוה מקראי קרש נ' ראש בית דין
 אומ מקודש וכל העם אומרים אחריו
 מקודש מקודש בין שנראה בומנו ובין
 שלא נראה בומנו מקדרין אותו רבי אליעזר
 ברבי צדוק אמר אם לא נראה בומנו מקדרין
 אותו שכבר קדרשו שמים ואמרו
 שלח לו לרבי יהושע רבנן נמייאל נור אני
 עלייך שתבו אצלי במקלך ובמעותיך יום
 של יום הַכְּפָרִים ליהוֹת כחובונית חלך
 [ומצא] רבי עקיבא מציר אמר לו יש
 לי ללמדך שככל מה שעשה
 רבנן נמייאל עשי שני אלה מועדי יהוה Fol. 39 ro.
 מקראי קרש אשר תקרוו אתם בין בומנו
 בין שלא בומנו אין לי מועדות אלא אילו
 כל אלה תחליפות מחלליה מות יומת
 ונם אשר תקרוו אתם במועדים
 ונם מאשר אמרו בראשונה היו מקבלין
 ערות החדש כל היום פעם אחת נשלהו
 העדים מלבוא ונתקלקלו הלוים בשיר
 התקינו שלא יהוא מקבלין ערות החדש
 אלא עד המנחה ואם באו מן המנחה
 ולכעלה נהנין אותו כל היום
 קרש ולמהר קרש ידענו שהוימים (so)

Fol. 39 vo.

ראשי הדרשים בחשבון המדוין נם
כאליה מאשר אמרו בסדר
תקיעות בסוף סדר ראש השנה
שלוש של שלוש שיעור תקיעה כדי
שלוש תרועות ושיעור תרעה כדי
שלוש יבנות תקע בראשונה ומשן
בשניה כשותם ואין בירוי אלא אחת
מי שבך ואחר כך נתמאנת לו שופר
תקע ומרי ותקע תוקע ומרי
ותוקע שלושה פעמים בשם
שליש
ראיה

Fol. 40 ro.

שלוחה הצבור חיב כך כל יחיד ויחיד
חיב רבן נמליאל ואוט' שלוח הצבור
מציא את הרבנים ידי חובתן
שלושה פעמים לא כדי
יודע דברי התורה שלושה פעמים
היא כשרה כך שלושה פעמים
תחングלי בשנה שלושה פעמים
בשנה יראה כל זכרך נ
ודמיוניהם ושלושה בוכרים
והיה כמו ותצפנהו שלשה ירחים
ירא והנה שלשה אנשים נצ[בים]

(3) Shabbat XVI, 6.

Fol. 40 vo.

ובעבור נר השבת אמרו נכרי
שבא לכבות אין אומרים לו כבה אל חכבה
מן ש אין שביתתו עליהם אבל קמן ש בא
לכבות אין שומען לו שכן שביתתו

Fol. 39 vo and 40 ro (slightly reduced).

עליהם נגיד שהרlik את הנר
משתמש לאورو ישראל ואם בשביל
ישראל אסור
שאל ארם ממחברו כבז'ין וככז'
שמנן ובלבד שלא יאמר לו הלווי
ובן אישה [מחברתת כברות] ואם
אינו מאמיינו מנג'ה טליחו אצל
ועשה עמו חשבון לאחר השבת וכן
ערב פסחים בירושלים שחיל להיות בשבת
מניח טליחו אצל ואוכל את פסחו ועווה
עמו חשבון לאחר יום טוב

Fol. 41 ro.

(4) Hullin IV, 3.

השוחט את הבהמה ומוצא בה שליה
נפש היפה תאכלנה ואינה מטמא טמאת
אוכלים ולא טמאת נבלות חישב
עליה מטמא טמאת אוכלים אבל לא
טמאת נבלות שליה שיזמת מתקצתה
אסקור באכילה סימן הولد באנש
כך סימן הولد בבהמה המבכרת
והפילה שליה ישלונקה לכלבים

Fol. 41 vo.

ובמודרשים תקבר אין קוברין אותה
בפירוש דרבנים ואין תולין אותה באילן
מן דרכי האמורין ואשר אמרו
דברי רבי מאיר וחכמים אומרים רבי שמשן שזרוי

Hullin IV, 8.

שחיטתם אמו מטהרתו [רבי שמעון שזרוי אומ'
אפילו בן המש שנים והוא חורש בשדרה שחיטתם אמו

ממהרתחו⁴⁵

והאליה והכלויות [זה] יותרת הכהן
אשר חתירו והתורה אומרת
וכי ימות מן הבהמה
ואת החלבים . . . השור ומון האיל
האליה והמכסה והכלויות יותרת
הכהן

(5) Niddah III, 6.

Fol. 36 ro.

המפלת יום ארבעים אינה חמשת הַלְּוָלֶר
ל'ים ארבעים ואחר תשב לוכר⁴⁶ ולנדה
יום שמנים ואחר תשב לוכר ולנקבה
ולנדה לפי שהוכן נגמר לארבעים
ואחר נקבה לשמנים ואחר
וחכמים אומר אחד ברית זכר ואחר
ברית נקבה זה וזה לארבעים ואחד

Niddah IV, 6.

המקשה בזון שמנים של נקבה
כל הרמים שהוא רואה טהורים עד
שתצא הַלְּדָר ורבי אליעזר מטהא
ואשר אמרו כל הנשים בכלל
זבות אשר לא צונו
יהוה בן חלילה לאל מרטשע
ישדי מעול

Fol. 36 vo.

ואחר שראינו שהרקייע נברא שני
ומאורות נעשו ברביעי והארם והחוה

⁴⁵ Added by a later hand between the lines.⁴⁶ Omitted. וلنקה ולנדה רב ישמעאל אומר יום ארבעים ואחר תשב לוכר.

נוצרו בהשי הפסח הראשון
 עמו יהוה את ישראל ממצרים
 שהוציא יהוה את ישראל ממצרים
 בלילה הששי והם בלילה
 יש לבבב זכרונות לחיות [הפסח]
 בלילה [א?] שר אמר ענן כמהות
 לא אן פסח ולא אלף סוכה ? ? ?
 הפסח מיום השבעי והסוכה מההדר ג ?
 יש לשבעי ולאחד זכרונות לחיות הפסח
 והסוכה בהם לבריאות האור בלבד ולכיבודו
 יום השבעי השבת הנרוול והקדוש

II

Cod. Brit. Mus. Or. 2580.

Fol. 44 ro. قال وينبغى ان اقول كيف نقلت هذه الاشیاء من اثار الرسول فنقول
 ان هذه المائیات والکیفیات شاهدتها الامم من فعل الرسول قبل
 ان يكتب التوراة باربعین سنة لان النص ينص على ان التوراة انما
 كتبت في سنة الأربعين وذلك ان الله قال لرسوله اكتب بارا الوهیم
 فأملى عليه كلمة كلام وهو يكتب من بريشیت الى وشاما لا تاعبور فاختصر من
 اخبار الأربعين واربع مائة وثمان وثمانين سنة هذا المقدار وكذا حقيقة ما
 فعتقده في امر كتبه التوراة حتى يكون من قراءه قد وقف على حمله
 مقنعة فيما يراد منه من الاخبار والشراطع ومن السنة الاولى فقد عا
 الرسول للامة جميع الشرع والاحکام التي امر بها وذلك انه نصب لهم
 ساری الافیم وساری میات وتمامه ليحكموا بما علّمهم ولا يجوز ان يام-رهم
 اكل ماقا وهو لم يبین لهم من اى المحبوب هي ولا باعتزال النجاسات
 وهو لم يشرح كم حد الزاب والزابا وما اشبه ذلك ومن هذه الضرورة يجب
 ان يكون للخبر المنقول اسبق من كتب المكتوب باربعین سنة فمهما كانوا بني

ياعقوب مجموعين في البلد الخاص كان الملك والامام يبغضان هذه الاثار ويحرسانها ولا سيما بحضور النبي فلما بلينا بالبلية الاولى وارتفاع الانبياء حاف العلماء على العلم التلقيني ان يُنسّا فعمدوا الى عيونه فائبتوها وسُوّوها مشتنا وبقوا فروعا رجوا ان يتحفظ بآيات تملك العيون فكان كذلك فلم يزل الفروع المبقاة محفوظة الى ان اجلينا الاجلام الشانى فتمرتنا اكثرا من التمزيق الاول مخاف التلاميذ حينئذ على ما كان قدما وهم لم يشبوه ان يندرس فعمدوا اليه فائبتوا ايضا فسمّوه تلمود قال فان سأل سائل كيف نُسِّبْت اقول فيما اعني المشنا و التلمود الى فرادي من الناس قلنا انهم الذين ذكروا بها الجماعة فلما اذكرواها ذكرتها وشهدت بها ليس لأنهم ابدعواها كما نسبت التوراة قصة كل دابار اشر يابو يابش الى العازار لانه ذكر لا لانه ابتدأها قال فان سأل سائل كيف صار فيما اعني المشنا و التلمود خالف

Fol. 45 ro.

بين الناقلين قلنا ليس هو خلفا على للحقيقة وانما هو كالخلاف في اول حال يبدوا للسامع واما حقيقته فهى على ثلاثة اضرب الاول منها ان يكون بعض العلماء اظهر للبعض كأنه خالفة فنمازعه حتى علم مقدار ما عنده وذلك كما اظهر موشا عليه السلم موجودا على هرون وبنينة في اخراجهم سعير هاخطات حتى كشفوا له ما عندهم لانه لم يامن ان يكونوا اخرقة غير معرفة والثانى ان يكون شى سمع من النبي انه على ضربين احدهما حلال والآخر حرام فسبق بعض العلماء الى الاذكار بالحلال والامر الى الاذكار بالحرام وهم صادقان في القولين جميعا ان ذلك الشى حلال على جهة حرام على جهة اخرى وذلك كما قال في التوراة لو تشحث اث عيصة راق عيص اشر تيداع كى لا عيص ماحال هو اونو تشحث وقوله وبث كوهين كى تيهيا لايش زار وقال لو توخييل وبث كوهين كى تيهيا المانا وقال ملاحن ابيها توخييل ولا فرق عند النظيرتين ان نفارقهما فوق بينهما وبين ان نفارقهما في الاية

Fol. 45 vo.

ونشرح بعد ذلك والثالث ان يكون احد العلماء سمع قوله جزئيا فيتوهّمه كليا وبالاقول سمعوا تمام الكلام فلما ذكر الواحد ما يوهّمه ردوا عليه وقالوا قد سمعنا تمام القول وفيه ما يخصّص ما سمعت انت ومقامه كمن يقرأ في

للمنس الثالث من التورات وباغد كلام شاطئي فوهمه عاماً فلما عرضه على من قرأ جملة التوراة عرفه ان ينحصصه في الجزء الخامس فجعلت خاصاً بقوله صامر وفشتيم وكذلك ما يجيء به هذا النحو قال واعلم وفلك الله ان منكري هذا العام لما اضطروا الى ان اشياء ليست مكتوبة من مائيات وكميات وكيفيات الشرائع الاجرية قالوا ان الحكيم اتّما تركها كذلك لانه احالنا فيها على القياس وقد ذكرنا ما طعن به على القياس وارينا فساد ذلك ثم قال بعد ذلك ومنهم من يجعل انكار بعض الامة له طعنا عليه يعني ما يدعونه من النقل قالوا Fol. 46 ro. ولو كان كما تقول وتظنّ لكان انكارها للمكتوب طعنا عليه ايضاً قال ومنهم من يجعل تناقض بعضها عن (بعض)⁴⁷ حفظ المتنقول طعنا فيه لو كان كذلك تناقض بعضها عن حفظ المكتوب طعنا فيه

باب الخامس عشر في حلّ ما عقد

ان بعض ما ذكره فد دخل فيما ذكرناه اولاً من احتجاجهم وما اريناه من فساد ذلك ونعني نرى فساد ما مررناه من الزيادات مما لم يتقدم ذكره اما ما قاله من ان الحكيم لا يردد امرة ونهية متشابهين واعتلاله بقول الكتاب لا نفليث هي مخا وقوله كلام نخويم لم يبين فهو قولنا وهو بعض ما يثبت به القياس لأن قوله اتها واصحة غير خفية اتّما اراد به انك اذا بحثت البحث الصحيح الذي لا يشوه مينيل واستعملت القياس من وجهه انكشفت لك حقائق الفرائض فلم يخف عليك منها شيء واما ما ذكره من السبعة الاصول من السرع للبرى التي زعم انها تضطرّنا الى الرجوع الى النقل وما ذكره Fol. 46 vo. من كيفية الصيصيث والسكا وما اشبههما فان الذي قال اصحابه في السكّا بخلاف ما اخبره الكتاب وما شرح من ذلك في قصة عزرا عليه السلم واما الصيصيث فمن حيث اوهم ان اصحابه قد شرحوا كيفية ذلك من هناك عمّوا وناقضوا فيه اذ زعموا ان التخييل كان جوهرها بعينه وانهم ليس يعرفونه الان ولا يعلمون ما هو فعلى قولهم يلزمهم ان يكون الصيصيث ساقطة عن الامة في هذا العصر اذ كان مائة تمامه معذوماً كما زعموا ان الطهر من

⁴⁷ Overlined in the manuscript, and to be omitted.

الميت ساقط في هذا العصر اذ كان مى ندأ الذى به تمام الطهر معدوما
واما قوله في كمية الترودما فهذا وان كتا لا نعرفه في هذا العصر فاتنا غير
محتاجين اليه اذ كان الذى يجب ان ندفعه اليه وهو الكوهن غير معروف
الان ولعلنا لو احتجنا اليه وتحثنا عنه لاخوجه لنا القياس كما اخرج لنا
اشيا كثيرة مما ليس هي مشروحة في النص وكذلك ما ذكره مما ذُهِيَ الملك
Fol. 47 ro.
عنء من الاستكثار من النساء والخيل والمال معما ان الكتاب قد قرن تكليف
احد من هذه الثلاثة قوله ينبي عن معناه فقال في الخيل ولا يشيب اث
هاعام مصر ايما وانما تحرم من ذلك الاكتثار الذي يحتاج فيه الى رد القوم
الى مصر فاما ان ملك من الخيل ما ملك من غير ان يرد القوم الى مصر
لم يحرّم ذلك عليه وتوكّد ذلك قصة شلومو وقال في النساء ولا ياسور لبابو
فاما تحريم من ذلك ما يكون به زوال قلبه فلو وقع ذلك في ثلث او في
اثنين تحرم ذلك عليه ولو كن الفاً ولم يقع ذلك لم يحرّم فاما المال فقال
فيه جداً بخلاف ما قاله في الاثنين المتقدّمين ونجوز ان يكون راجعا الى
ما قاله بعد ذلك وهو قوله روم لبابو مياحاو فيجوز ان يكون انما
حرّم من ذلك ما يكون فيه الاستكثار على اخوته آل اسرائيل كائنا ما كان
اذ كان ايضا شلومو قد ملك من المال ما لا يحصى فلم يُعذل على ذلك اذ
Fol. 47 vo.
كان جاءه من غير ان يجد في طلبه ولا استكثار على اخوته عند ما ملكه ونجوز
ان يكون ايضا اراد ان لا يبذل مجاهدة في جمع المال فيتشاغل بذلك
عما يحتاج اليه في معرفة الاحكام وذلك قوله ماود اى جداً واما ان جاءه
من الاموال ما لا يحصى بغير طلب ولا بذل مجاهدة فلم يحرّم ذلك عليه
فاما قوله في معرفة يوم السبت فهذا لعمري لا يجوز ان يعرف الا من
جهة الخير والنقل وله نظائر وسنشرح الان ذلك فيما بعد وكذلك ما ذكره
في حظر الاعمال في السبت ويجب على الفيروي ان يستحيي من ذكر هذا
الباب اذ كان اصحابه قد اطلقوا من الاعمال في السبت ما يشهد للمس
فضلا عن العقل بعنادهم فيه مع مناقضتهم ايضا وذلك مثل اطلاقهم الطبع
والشيء من السبت وتنفيه النار مشتعلة مع تحريمهم فتح الانهار واصلاح

الارحا قبل السبت وتنفيته الى السبت ومثل ما حكينا عنهم في اطلاق
 Fol. 48 ro. نسخ خطيط وكتابة حرف وحرفين وغير ذلك مما ذكرناه وما سند ذكره فيما
 يستأنف وكذلك ما ذكرناه من تحريرهم ان يحمل الانسان رقة في فيه اربع
 اذرع ومثل قولهم انه يجوز ان يجعل السبت على الطفل ولا يجعل على
 داوديد مالح يسرايل ومثل شوابيل اذام محببورو وغير ذلك مما لا يحصى واما
 ما ذكره من الكلى التي يقبل النجاسة فقد ذكرنا ما جرى بين اليهواز
 بن هرقانوس وبين سائر الريانين في ذلك للخلف وقيام الدلائل لابن
 هرقانوس على صحة قوله ظهور المعجزات وشهادة البارى عز وجل له بذلك مما
 فيه نقض كل ما يدعى الفيزيومي وغيره من الاجماع نقل الريانين بل هو
 فضيحة عليهم باسرهم عند كل من يسمعه واما اصحابنا نحن من العناية
 والقراءين فقد تكلموا في ذلك بكلام قوى شديد وتبينوا الكلى الذي يطма
 وسند ذكره ذلك في موضعه واما صلة فان وجوبنا بيين من الكتاب في عدة
 موضع من التوراة وغيرها وقد ذكر الريانون بعض ذلك وعولوا على انها ثلت
 صلوات من قصة دانييل وسبعين ذلك في القول على صلة على انا قد
 Fol. 48 vo. قدمنا ايضا ذكر ما ابطلوا من بعض الصلوات الواجبة وما اوجبه فما لا يجب
 واما ما ذكره من التأريخ منذ قصة البيت الثاني والى هذه الغاية فليس
 ذلك ما ينتفع به ولا بما يحتاج اليه اذ كنا لولم نعلمه لم يضرنا على ان
 معرفة ذلك موجودة من غير جهة الريانين واما ما ذكره لقصة المسيح والمواعيد
 وانه لو لا تفسير الناقلين لجاز ان يكون جميع المواعيد المذكورة قد كانت
 في ايام بعض الملوك فان ذلك منه دعوى لان الامر في ذلك اظهر وأبين من
 ان يقع فيه شك وارتياب فان قال قائل لو كان ذلك على ما تزعمون
 لما جاز للنصارى وغيرهم من قوم اليهود ان يدعوا ان ذلك قد مضى وجاز
 قلنا ما ادعى النصارى ذلك الا كدعواهم ان الله جوهر ثلاثة اقانيم وكادعائهم
 ان التوراة قد تطلب⁴⁸ (so) وكذلك غيرهم مثل ابي عيسى الاصبهانى الذى ادعى
 النبوة وكما ادعى يودجان انه المسيح وسبعين قول الجميع فيما يستأنف

⁴⁸ Read بطل.

لا من جهة النقل بل من جهة الدلائل الكتابية الواضحة على ان يقال لمن عارض بذلك فما رأينا النقل منعهم من ادعى ما ادعوا فلو كان القول كما زعمت كان ذلك قد رد عليهم عن القول بذلك وايضا فان المواجهات التي اخبرت الكتاب بكونها في ايام المسيح لم يعلقها بستين مذكورة ولا بتاريخ معلوم فيكون علمونا للتاريخ وجب ما ادعى هذا واما ما اخبره من كيفية النقل وقوله بأن التوراة كتبت في سنة الأربعين وانه من الكلام قوله ان بني يعقوب حتى كانوا في البلد الخاص كان الملك والاجماع يحفظان الاثار ويسراسنها ولا سيما بحضور الأنبياء فهو قولنا ونشرحه فيما بعد واما ما ادعاه من ان العلماء عمدوا الى العلم التقليدي فدُونوا وسممو مشننا وبقوا فروعه وان التلاميذ دُونوا ما بقى من الفروع وسممو ذلك تسليمه فقد تقدم افسادنا لذلك في الباب الثاني عشر وبيّنا ذلك من وجوه عدة لتشبيه بنا حاجة إلى عادتها واما ما رأموا من الفضل فيما يلزمهم من الاقواويل التي هي في المشنا والتلمود منسوبة الى قوم باعيائهم وقوله انهم هم الذين ذكر للمجاعة Fol. 49 ro. وانهم لما ذكر وهم بها ذكروا وشهدوا بها ليس لأنهم ابتدعوا وتمثيله ذلك بقول العاذر كل دبار اشر بابو باديش وان ذلك انما نسبة اليه لأنه ذكر به لا لأنه ابتدأ به فقوله في ذلك يدل على ان هذه الاقوال المنسوبة إلى أوليا القوم قد كانت للمجاعة باسرها تنسبها وإن كل واحد منهم كان يدرك شيما وإذا كانت للمجاعة قد تنسب بكل الاقواويل حتى ذكرهم كل واحد شيما ما ام نام ان يكونوا باسرهم قد نسبوا شيما لم يدركها واحد منهم وتطلب (so) وزالت وهذا ما يوجب ان النقل قد زال في بطل ثم انه علم ما يلزمه ما قد منا ذكرة ما وتقع بين أهل المشنا والتلمود عن الخلاف فزعم ان ذلك ليس هو على الحقيقة وانما هو على ثلاثة اضرب على ما شرحنا من قوله واقل ما في هذا انه لو كان الامر على ما قاله وانه لم يكن ذلك خلافا على الحقيقة لم تشبه الامة على الخلاف فلم يكن يقع بين تلامذة . . .